

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN NOAKES,

Plaintiff,

v.

UNIVERSITY OF CINCINNATI, et al.,

Defendants.

Case No. 1:23-CV-284

Judge Michael R. Barrett

**ORDER**

This matter is before the Court on Defendants' outstanding motion to dismiss for lack of jurisdiction. (Doc. 17). Because the Court may properly exercise jurisdiction over Count II, *see Noakes. v. Univ. of Cincinnati*, No. 24-3388, 2024 U.S. App. LEXIS 27189, at \*6-7 (6th Cir. Oct. 25, 2024), and Plaintiff John Noakes has dismissed Counts III & IV without prejudice, (Doc. 39), the motion to dismiss is **DENIED**.

**IT IS SO ORDERED.**

/s/ Michael R. Barrett

Michael R. Barrett  
United States District Judge